THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.21392 OF 2007

DATED: 11-10-2007

BETWEEN

Kedasi Narsimha Murthy,
S/o. Appanna,
R/o. Karapa (V) & (M),
East Godavari District.

...PETITIONER

AND

The District Collector,
East Godavari District,
At Kakinada,
East Godavari District
and two others.

...RESPONDENTS

ORDER:

Petitioner submits that the Tahsildar, Karapa Mandal issued a notice in Form-II dated 12.04.2007 under Rule 3 of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules stating that the lands in question of an extent of 49 cents in Sy.No.489-1J and 49 cents in Sy.No.498-1H situated at Karapa Village and Mandal are transferred in his favour in contravention of the provisions of sub-section (2) of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') and accordingly directed to show cause as to why he shall not be evicted and the lands be resumed to Government.

2. Learned counsel for the petitioner submits that the petitioner filed an explanation to the said notice on 18.07.2007 but even before the explanation is considered and final orders are passed under Section 4(1) of the Act, the Tahsildar is orally directing the petitioner to vacate the said lands in question.

3. I am not inclined to express any opinion on the merits of the case, as there cannot be any oral directions to evict the petitioner. However, unless final orders are passed pursuant to the said notice dated 12.04.2007 the petitioner cannot be dispossessed.

The writ petition is accordingly disposed of directing the respondents not to dispossess the petitioner without any final orders being passed under Section 4(1) of the Act in respect of the said lands in question. There shall be no order as to costs.

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V. ESWARAIAH, J

October 11, 2007
Note: Furnish C.C. of the order in three days.
(**B**/**o**)
DSK